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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,994	12/05/2000	Jens Jorren Sorensen	36636-166651	7395

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/647,994

Applicant(s)

SORENSEN, JENS JORREN

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

LIC

### ***Information Disclosure Statement***

The information disclosure statement filed March 25, 1999 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance of Danish Patent Publication No. 173 190 and Swedish Patent Publication No. 354 498, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

The drawing correction filed July 18, 2005 has been approved.

### ***Specification***

The abstract of the disclosure is objected to because "during axial displacement" on line 3 is confusing since it is unclear what element(s) of the invention are axially displaced. Finally, the abstract is objected to because it fails to specifically mention the method of forming the elongate spindle member. Correction is required. See MPEP § 608.01(b).

The title of the invention is objected to because it includes a hyphen following "LOAD".

***Claim Rejections - 35 USC § 112***

Claims 1-49, as best understood by the examiner, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with 35 USC 112 informalities which appear to have been created during the translation of the application into English. Therefore, the following 35 USC 112 rejections are examples of the 35 USC 112 informalities currently in the claims. It is suggested that the applicant review and amend the claims to bring them into conformance with 35 USC 112 in light of the examples below.

Recitations such as “during axial displacement” on lines 5-6 of claim 1 render the claims indefinite because it is unclear what element(s) of the invention have the axial displacement to which the applicant is referring. Recitations such as “using, as the chain links, chain links” on line 7 of claim 1 are grammatically awkward and confusing. Recitations such as “the mutual interlocking” on lines 8-9 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as “winding guide means” on line 11 of claim 1 render the claims indefinite because it is unclear what the winding guide means guide. Recitations such as “chain link” on line 14 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to one of the chain links set forth above or is attempting to set forth another chain link in addition to the ones set forth above. Recitations such as “the winding guide means of said sets” on line 5 of claim 4 render the claims indefinite because a winding guide means for the additional spindle member has not been previously set forth. Recitations such as “a

Art Unit: 3634

substantially circular curvature” on lines 3-4 of claim 12 render the claims indefinite because it is unclear if the applicant is referring to the circular curvature set forth above or is attempting to set forth a circular curvature in addition to the one set forth above.

### ***Double Patenting***

Although claims 1-16 of U.S. Patent No. 6,530,177 recite a helical chain in at least claim 16, claims 1-16 of U.S. Patent No. 6,530,177 fail to recite or even suggest guiding said chain links during rotation of said driving device in said winding guide means so that the chain links are interconnected and retained in engagement by their associated engagement means with neighboring chain links in the same turn as well as adjacent chain links in neighboring turns of said elongate spindle member.

### ***Allowable Subject Matter***

Claims 1-49, as best understood by the examiner, would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach guiding said chain links during rotation of said driving device in said winding guide means so that the chain links are interconnected and retained in engagement by their associated engagement means with neighboring chain links in the

Art Unit: 3634

same turn as well as adjacent chain links in neighboring turns of said elongate spindle member. See lines 16-22 of claim 1. Since claims 12 and 35 both recite the function of carrying out the method steps set forth in claim 1, they are allowable since none of the references of record teach the method steps in claim 1 or the ability of carrying out those method steps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
October 3, 2005